



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 18-539
May 22, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF CITY OF BURLINGTON D/B/A BURLINGTON TELECOM TO
CHAMPLAIN BROADBAND, LLC AND SCHURZ COMMUNICATIONS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-123

Comments Due: June 5, 2018
Reply Comments Due: June 12, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Champlain Broadband, LLC (Champlain), Schurz Communications, Inc. (Schurz), and the City of Burlington d/b/a Burlington Telecom (BT) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting approval to transfer control of BT to Champlain, a wholly owned affiliate of Schurz.¹

BT, a department of the City of Burlington, Vermont, provides competitive telecommunications, cable, and broadband services to more than 7,000 residential and business customers throughout Burlington.

Schurz, an Indiana corporation, is a newspaper publisher that also provides telecommunications, video, and broadband services through its wholly owned affiliates in several states other than Vermont.² Champlain, a Vermont limited liability company and wholly owned

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international service. On May 17, 2018, Applicants filed a supplement to their domestic section 214 application. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that Schurz provides services through multiple wholly owned affiliates: Antietam Broadband f/k/a Antietam Cable Television, Inc., provides competitive telecommunications services and video services in Maryland; Northwest Iowa Telephone Company d/b/a Long Lines, LLC, provides incumbent local exchange carrier (LEC) service in Iowa; Jordan-Soldier Valley Telephone provides incumbent LEC service in Iowa; Jefferson Telephone Company provides incumbent LEC service in South Dakota; Western Broadband, LLC, which operates under the name Orbitel Communications, LLC, provides competitive telecommunications services in Arizona; and Hiawatha Broadband Communications, Inc., provides competitive telecommunication services and video services in Minnesota. Applicants state that there are no

affiliate of Schurz, was created for the purposes of the proposed transaction and does not itself provide telecommunications services. Applicants state that the following Indiana trust and U.S. citizens hold a 10 percent or more interest in Schurz: Schurz Communications Voting Trust Agreement (Schurz Trust) (75.17 percent voting), Laura E. Ray (12 percent indirect voting), and Harvey B. Wallace (15 percent indirect voting).³

Pursuant to the terms of the proposed transaction, Applicants state that Champlain will assume control of existing operations, and all of BT's existing operations, license holdings, or authorizations will remain intact and will continue to support the operation of BT's voice and other services. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
City of Burlington d/b/a Burlington Telecom to Champlain Broadband, LLC, and Schurz
Communications, Inc., WC Docket No. 18-123 (filed Apr. 18, 2018).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before June 5, 2018**, and reply comments **on or before June 12, 2018**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Matthew Collins, Competition Policy Division, Wireline Competition Bureau, matthew.collins@fcc.gov;
- 3) David Krech, International Bureau, david.krech@fcc.gov;

overlaps between the service areas of Schurz and BT.

³ Applicants state that Franklin D. Schurz, Jr., Todd F. Schurz, and Scott C. Schurz are the trustees of the Schurz Trust, each of whom are U.S. citizens and individually hold a 33.3 percent voting interest in the Trust. Franklin D. Schurz and Scott C. Schurz are beneficiaries and each hold a 28 percent equity interest along with Mary Ann Schurz, also a U.S. citizen and beneficiary, who holds a 19 percent equity interest in the Trust.

⁴ 47 CFR § 63.03(b)(2)(ii).

- 4) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Myrva Charles at (202) 418-1506 or Matthew Collins at (202) 418-7141.

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